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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER HENNING, MATTHEW T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/843,102

Applicant(s)

DETREVILLE, JOHN D.

Examiner

Matthew T. Henning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 20-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 20-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1 This action is in response to the communication filed on 9/17/2007.

2 **DETAILED ACTION**

3 ***Continued Examination Under 37 CFR 1.114***

4 A request for continued examination under 37 CFR 1.114, including the fee set forth in
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is
6 eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)
7 has been timely paid, the finality of the previous Office action has been withdrawn pursuant to
8 37 CFR 1.114. Applicant's submission filed on 9/17/2007 has been entered.

9
10 ***Response to Arguments***

11 Applicant's arguments filed 9/17/2007 have been fully considered but they are moot in
12 view of the new grounds of rejection presented below.

13 Regarding the applicants' request for an interview, the applicants' representative is
14 welcome to contact the examiner, at 571-272-3790 to set up an interview to discuss the merits of
15 this application, if an interview is desired.

16 All rejections and objections not specifically set forth below have been withdrawn.

17 Claims 18-19 and 53-57 have been cancelled.

18 Claims 1-17, and 20-52 have been examined.

19
20 ***Claim Objections***

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1 Claim 46 is objected to because of the following informalities: The third to last line
2 recites "a more through" which should read "a more thorough". Appropriate correction is
3 required.

4 ***Claim Rejections - 35 USC § 103***

5 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
6 obviousness rejections set forth in this Office action:

7 *A patent may not be obtained though the invention is not identically disclosed or described as set forth in section*
8 *102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the*
9 *subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in*
10 *the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention*
11 *was made.*
12

13 Claims 1-8, 29-36, 38-39, and 41-52 are rejected under 35 U.S.C. 103(a) as being
14 unpatentable over Cooper et al. (US Patent Application Publication 2001/0051996) hereinafter
15 referred to as Cooper, and further in view of Peled et al. (Patent Application Publication
16 2002/0129140) hereinafter referred to as Peled.

17 Regarding claim 1, Cooper disclosed a system comprising: a source database storing a
18 plurality of highly compressed content pieces (See Cooper Fig. 2 Element 234 and Paragraph
19 0124); and a content player (See Cooper Fig. 2 Element 115 and Paragraph 0124), coupled to the
20 source database (See Cooper Fig. 2), including, an interface to receive a subset of the plurality of
21 highly compressed content pieces from the source database (See Cooper Fig. 2 and Paragraph
22 0124 wherein the examiner has interpreted the player checking the copyright registry as
23 receiving the various digital certificates because the player is checking if the particular digital
24 certificate of the content file is in the content registry), a storage device to store the subset, a
25 comparator to compare the subset to content and determine whether the content matches any of

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1 the plurality of highly compressed content pieces in the subset (See Cooper Paragraph 0124), a
2 resolver to take particular action in response to the comparator indicating the content matches
3 one of the plurality of highly compressed content pieces in the subset, the programmed action
4 comprising notifying a publisher of the media content of the existence of pirated content (See
5 Cooper Paragraph 0124), and an output controller to render the content if the comparator
6 indicates that the content does not match any of the highly compressed content pieces in the
7 subset (See Cooper Paragraph 0124), however, Cooper did not specifically disclose the particular
8 action comprising contacting a remote device to perform a more thorough analysis of whether
9 the content matches any of the plurality of highly compressed content pieces; that the highly
10 compressed pieces of content are versions of portions of content that are created in a manner so
11 that the highly compressed form cannot be decompressed into an intelligible form yet can be
12 compared to uncompressed content for equality. Rather the comparisons of Cooper are between
13 digital certificates of the content, in order to determine whether two copies of the same content
14 are being used simultaneously, thereby detecting pirated content.

15 Peled teaches a system and method for detecting and preventing use of illegally copied
16 content, wherein a content player has a database that stores a subset of signatures of known
17 illegal copies of content, in a storage device wherein the number of pieces included in the subset
18 can vary based on the available memory in the storage device and the storage required for each
19 piece, and upon playing of the content, the system generates a signature for the played content,
20 compares the signature to the database of signatures, and upon determining a match between two
21 signatures, contacts a device to perform a more thorough analysis of whether the content matches
22 any of the plurality of highly compressed content pieces, identifies the content as illegal and

1 takes appropriate action (See Peled Paragraphs 0169 and 0183-0186). Further, Peled disclosed
2 that the signatures were hashes of the content (See Peled Paragraphs 0172-0173).

3 It would have been obvious to the ordinary person skilled in the art at the time of
4 invention to employ the teachings of Peled in the content control system of Cooper by, in
5 addition to the copyright registry detection of Cooper, maintaining a database of signatures of
6 known illegally copied content at the content player, producing a signature of content to be
7 played, and comparing the produced signature with signatures within the database in order to
8 detect illegally copied content, and notifying the publisher of illegally copied content (pirated
9 content) upon detecting a match in the signature database. This would have been obvious
10 because the ordinary person skilled in the art would have been motivated to detect and prevent
11 usage of known illegally copied content. Furthermore, it was well known in the art at the time of
12 invention that devices could either be local or remote, and as such it would have been obvious to
13 the ordinary person skilled in the art that the probability estimator and maximum a-posteriori
14 estimator could be remote from the player.

15 Regarding claim 29, Cooper disclosed a method implemented in a device, the method
16 comprising: comparing a portion of media content located in the device to a subset of one or
17 more highly compressed pieces of content (See Cooper Paragraph 0124); determining whether
18 the portion of media content matches any of the set of highly compressed pieces (See Cooper
19 Paragraph 0124); taking a programmed action if the portion of media content matches any of the
20 subset of highly compressed pieces, the programmed action comprising notifying a publisher of
21 the media content of the existence of pirated content (See Cooper Paragraph 0124), and playing
22 back the content if the determining indicates the portion of media content does not match any of

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1 the subset of highly compressed pieces (See Cooper Paragraph 0124), but Cooper failed to
2 disclose that the highly compressed pieces of content are versions of portions of content that are
3 created in a manner so that the highly compressed form cannot be decompressed into an
4 intelligible form yet can be compared to uncompressed content for equality. Rather the
5 comparisons of Cooper are between digital certificates of the content, in order to determine
6 whether two copies of the same content are being used simultaneously, thereby detecting pirated
7 content.

8 Peled teaches a system and method for detecting and preventing use of illegally copied
9 content, wherein a database of signatures of known illegal copies of content is stored with a
10 content player, and upon playing of the content, the system generates a signature for the played
11 content, compares the signature to the database of signatures, and upon determining a match
12 between two signatures identifies the content as illegal and takes appropriate action (See Peled
13 Paragraphs 0169 and 0183-0186). Further, Peled disclosed that the signatures were hashes of the
14 content (See Peled Paragraphs 0172-0173).

15 It would have been obvious to the ordinary person skilled in the art at the time of
16 invention to employ the teachings of Peled in the content control system of Cooper by, in
17 addition to the copyright registry detection of Cooper, maintaining a database of signatures of
18 known illegally copied content at the content player, producing a signature of content to be
19 played, and comparing the produced signature with signatures within the database in order do
20 detect illegally copied content, and notifying the publisher of illegally copied content (pirated
21 content) upon detecting a match in the signature database. This would have been obvious

1 because the ordinary person skilled in the art would have been motivated to detect and prevent
2 usage of known illegally copied content.

3 Regarding claim 41, Cooper disclosed a device comprising: means for storing a subset of
4 highly compressed content pieces (See Cooper Paragraph 0124 Copyright registry); means for
5 determining, at the device, whether the portion of media content located in the device matches
6 any of the subset of highly compressed content pieces (See Cooper Paragraph 0124); means for
7 taking a particular action if the portion of media content matches any of the subset of highly
8 compressed content pieces, the particular action comprising notifying a publisher of the media
9 content of the existence of pirated content (See Cooper Paragraph 0124), and means for playing
10 back the content if the determining indicates the portion of media content does not match any of
11 the subset of highly compressed pieces (See Cooper Paragraph 0124), but Cooper failed to
12 disclose that the highly compressed pieces of content are versions of portions of content that are
13 created in a manner so that the highly compressed form cannot be decompressed into an
14 intelligible form yet can be compared to uncompressed content for equality. Rather the
15 comparisons of Cooper are between digital certificates of the content, in order to determine
16 whether two copies of the same content are being used simultaneously, thereby detecting pirated
17 content.

18 Peled teaches a system and method for detecting and preventing use of illegally copied
19 content, wherein a database of signatures of known illegal copies of content is stored with a
20 content player, and upon playing of the content, the system generates a signature for the played
21 content, compares the signature to the database of signatures, and upon determining a match
22 between two signatures identifies the content as illegal and takes appropriate action (See Peled

1 Paragraphs 0169 and 0183-0186). Further, Peled disclosed that the signatures were hashes of the
2 content (See Peled Paragraphs 0172-0173).

3 It would have been obvious to the ordinary person skilled in the art at the time of
4 invention to employ the teachings of Peled in the content control system of Cooper by, in
5 addition to the copyright registry detection of Cooper, maintaining a database of signatures of
6 known illegally copied content at the content player, producing a signature of content to be
7 played, and comparing the produced signature with signatures within the database in order do
8 detect illegally copied content, and notifying the publisher of illegally copied content (pirated
9 content) upon detecting a match in the signature database. This would have been obvious
10 because the ordinary person skilled in the art would have been motivated to detect and prevent
11 usage of known illegally copied content.

12 Regarding claim 46, Cooper disclosed one or more computer-readable media having
13 stored thereon a plurality of instructions that, when executed by one or more processors of a
14 computer, causes the one or more processors to perform acts including: checking whether a
15 portion of media content matches a piece of highly compressed content, wherein the piece of
16 highly compressed content cannot be played back to a user in an intelligible form (See Cooper
17 Paragraph 0124); allowing the portion of media content to be played back if the portion of media
18 content does not match the piece of highly compressed content (See Cooper Paragraph 0124);
19 and taking a particular action if the portion of media content does match the piece of highly
20 compressed content (See Cooper Paragraph 0124), but Cooper failed to disclose that the highly
21 compressed pieces of content are versions of portions of content that are created in a manner so
22 that the highly compressed form cannot be decompressed into an intelligible form yet can be

1 compared to uncompressed content for equality. Rather the comparisons of Cooper are between
2 digital certificates of the content, in order to determine whether two copies of the same content
3 are being used simultaneously, thereby detecting pirated content.

4 Peled teaches a system and method for detecting and preventing use of illegally copied
5 content, wherein a database of signatures of known illegal copies of content is stored with a
6 content player, and upon playing of the content, the system generates a signature for the played
7 content, compares the signature to the database of signatures, and upon determining a match
8 between two signatures identifies the content as illegal and takes appropriate action (See Peled
9 Paragraphs 0169 and 0183-0186). Further, Peled disclosed that the signatures were hashes of the
10 content (See Peled Paragraphs 0172-0173). Further, Peled disclosed comparing the generated
11 signature a fist signature in the database and upon a match retrieving another signature from the
12 database for further (more thorough) analysis (See Peled Paragraph 0173).

13 It would have been obvious to the ordinary person skilled in the art at the time of
14 invention to employ the teachings of Peled in the content control system of Cooper by, in
15 addition to the copyright registry detection of Cooper, maintaining a database of signatures of
16 known illegally copied content at the content player, producing a signature of content to be
17 played, and comparing the produced signature with signatures within the database in order do
18 detect illegally copied content, and notifying the publisher of illegally copied content (pirated
19 content) upon detecting a match in the signature database. This would have been obvious
20 because the ordinary person skilled in the art would have been motivated to detect and prevent
21 usage of known illegally copied content.

1 Regarding claim 2, Cooper and Peled disclosed that the comparator is to compare the
2 subset to content being played by the content player (See Cooper Paragraph 0124).

3 Regarding claim 3, Cooper and Peled disclosed that the content player is coupled to the
4 source database via the Internet (See Cooper Paragraph 0124).

5 Regarding claim 4, Cooper and Peled disclosed that the plurality of highly compressed
6 content pieces comprises a plurality of highly compressed audio pieces (See Cooper Paragraphs
7 0036 and 0099, in which the “file” is a digital file and is therefore a compressed version of the
8 analog content).

9 Regarding 5, Cooper and Peled disclosed that the plurality of highly compressed content
10 pieces comprises a plurality of highly compressed video pieces (See Cooper Paragraphs 0036
11 and 0099, in which the “file” is a digital file and is therefore a compressed version of the analog
12 content).

13 Regarding claim 6, Cooper and Peled disclosed that the plurality of highly compressed
14 content pieces comprises a plurality of highly compressed audio/video pieces (See Cooper
15 Paragraphs 0036 and 0099, in which the “file” is a digital file and is therefore a compressed
16 version of the analog content).

17 Regarding claims 7, and 48-49, Cooper and Peled disclosed receiving the piece of highly
18 compressed content from a highly compressed content source (See Peled Fig. 3 Element 310),
19 and subsequently receiving a new piece of highly compressed content from the highly
20 compressed content source, and replacing the piece with the new piece (See Peled Paragraph
21 0074).

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1 Regarding claims 8, 36, 44, and 50 Cooper and Peled disclosed a content source coupled
2 to the content player, and wherein the content player further comprises a compressor to receive
3 content from the content source, and generate a highly compressed content piece based on the
4 received content (See Peled Paragraphs 0183-0186), but failed to specifically teach adding the
5 generated highly compressed content piece to the subset in the storage device. However, it
6 would have been obvious to the ordinary person skilled in the art at the time of invention, based
7 upon logical reasoning, that when duplicate copies of content are detected within the copyright
8 registry, as taught by Cooper, this content is now known illegally copied content, and thus would
9 be logical to add its signature to the database of known illegally copied content.

10 Regarding claims 30-31, Cooper and Peled disclosed that the portion of media content
11 comprises a song, or video clip (See Cooper Paragraph 0036).

12 Regarding claim 32, Cooper and Peled disclosed performing the comparing while the
13 portion of media content is being played (See Cooper Paragraph 0124 and Peled Paragraph
14 0184).

15 Regarding claim 33, Cooper and Peled disclosed performing the comparing while the
16 portion of media content is being downloaded from a content source (See Cooper Paragraph
17 0219 wherein the content could be streamed to the device, and Peled Paragraphs 0183-0187).

18 Regarding claims 34-35, and 42-43, Cooper and Peled disclosed that the interface is
19 further to subsequently communicate with the source database, retrieve a new subset of the
20 plurality of highly compressed content pieces from the source database, and replace the subset in
21 the storage device with the new subset (See Peled Paragraph 0223).

1 Regarding claims 38, and 51, Cooper and Peled disclosed that the comparator is to
2 determine whether the content matches any of the plurality of highly compressed content pieces
3 in the subset by comparing a first set of feature values associated with each of the plurality of
4 highly compressed content pieces with a second set of feature values associated with the content,
5 and checking whether at least a threshold number of the first set of feature values is within
6 threshold distance of the second set of feature values (See Peled Paragraphs 0011 and 0185-
7 0191).

8 Regarding claim 39, and 52, Cooper and Peled disclosed that the first set of feature
9 values and the second set of feature values each comprises a set of audio energy features (See
10 Cooper Paragraph 0124 wherein because the data being compared is digital data, and because
11 any digital data can be output to a speaker and will produce noise, the digital data meets the
12 limitation of “audio energy”).

13 Regarding claim 45 Cooper and Peled disclosed that the storage device is further to store
14 the content (See Cooper Paragraph 0124).

15 Regarding claim 47, Cooper and Peled disclosed that the portion of media content
16 comprises a song, or video clip (See Cooper Paragraph 0036).

17
18 Claims 9-17, 20-28, 37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable
19 over Cooper and Peled, as applied to claim 1 above, and further in view of Barber et al. (US
20 Patent Number 5,390,297) hereinafter referred to as Barber.

21 Regarding claim 9, Cooper and Peled taught a system comprising: a source database
22 storing a plurality of highly compressed content pieces, wherein highly compressed content

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1 pieces are versions of portions of content that are created in a manner so that the highly
2 compressed form cannot be decompressed into an intelligible form yet can be compared to
3 uncompressed content for equality; and a content player, coupled to the source database, the
4 content player including, an interface to receive a subset of the plurality of highly compressed
5 content pieces from the source database, a storage device to store the subset, wherein the number
6 of pieces included in the subset can vary based on the available memory in the storage device
7 and the storage required for each piece, a comparator to compare the subset to content and
8 determine whether the content matches any of the plurality of highly compressed content pieces
9 in the subset, and a resolver to take particular action in response to the comparator indicating the
10 content matches one of the plurality of highly compressed content pieces in the subset, and
11 wherein the particular action comprised contacting a remote device to perform a more thorough
12 analysis of whether the content matches any of the, plurality of highly compressed content pieces
13 (See the rejection of claim 1 above), but failed to disclose the storage device is further to store a
14 plurality of licenses identifying content that a user of the content player is authorized to
15 playback, and wherein the particular action comprises the resolver checking whether one of the
16 plurality of licenses corresponds to the content.

17 Barber teaches that in order to allow multiple users access to content simultaneously, that
18 multiple licenses should be provided for the content, and when content is to be used, a license
19 should be "checked out" (See Barber Col. 2 Lines 10-19 and Fig. 3 and associated text).

20 It would have been obvious to the ordinary person skilled in the art at the time of
21 invention to employ the teachings of Barber in the content protection system of Cooper and
22 Peled by verifying that the computer had a license for the content when it was detected that the

1 content was a copied piece of content. This would have been obvious because the ordinary
2 person skilled in the art would have been motivated to allow any node access to the content at
3 any time, without violating licensing agreements.

4 Regarding claim 16, Cooper and Peled taught a device comprising: a memory to store
5 one or more highly compressed content pieces wherein highly compressed content pieces are
6 versions of portions of content that are created in a manner so that the highly compressed form
7 cannot be decompressed into an intelligible form yet can be compared to uncompressed content
8 for equality, and wherein the one or more highly compressed content pieces constitute a subset of
9 the total number of highly compressed content pieces, and the number of pieces included in the
10 subset can vary based on the available memory and the amount of memory required for each
11 piece; a comparator, coupled to the memory, to compare the one or more highly compressed
12 content pieces to content at the device and to determine whether the content matches at least one
13 of the one or more highly compressed content pieces; and a resolver, coupled to the comparator,
14 to take a particular action in response to the comparator indicating the content matches one of the
15 plurality of highly compressed content pieces in the subset, wherein the particular action
16 comprises contacting a remote device to perform a more thorough analysis of whether the
17 content matches any of the plurality of highly compressed content pieces (See the rejection of
18 claim 1 above), but failed to disclose that the action included checking to see whether the device
19 had a valid license for the content.

20 Barber teaches that in order to allow multiple users access to content simultaneously, that
21 multiple licenses should be provided for the content, and when content is to be used, a license
22 should be "checked out" (See Barber Col. 2 Lines 10-19 and Fig. 3 and associated text).

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1 It would have been obvious to the ordinary person skilled in the art at the time of
2 invention to employ the teachings of Barber in the content protection system of Cooper and
3 Peled by verifying that the computer had a license for the content when it was detected that the
4 content was a copied piece of content. This would have been obvious because the ordinary
5 person skilled in the art would have been motivated to allow any node access to the content at
6 any time, without violating licensing agreements.

7 Regarding claim 37, Cooper and Peled taught a method implemented in a content player,
8 the method comprising: comparing a portion of media content to a subset of one or more highly
9 compressed pieces of content, wherein highly compressed pieces of content are versions of
10 portions of content that are created in a manner so that the highly compressed form cannot be
11 decompressed into an intelligible form yet can be compared to uncompressed content for
12 equality, and wherein the number of pieces included in the subset can vary based on the available
13 memory in the storage device and the storage required for each piece; determining whether the
14 portion of media content matches any of the subset of highly compressed pieces; and taking a
15 programmed action if the portion of media content matches any of the subset of highly
16 compressed pieces, wherein the programmed action comprises contacting a remote device to
17 perform a more thorough analysis of whether the content matches any of the plurality of highly
18 compressed content pieces (See the rejection of claim 1 above, but failed to disclose that the
19 particular action comprised checking whether one of a plurality of licenses maintained at a
20 content player performing the comparing corresponds to the portion of media content.

1 Barber teaches that in order to allow multiple users access to content simultaneously, that
2 multiple licenses should be provided for the content, and when content is to be used, a license
3 should be "checked out" (See Barber Col. 2 Lines 10-19 and Fig. 3 and associated text).

4 It would have been obvious to the ordinary person skilled in the art at the time of
5 invention to employ the teachings of Barber in the content protection system of Cooper and
6 Peled by verifying that the computer had a license for the content when it was detected that the
7 content was a copied piece of content. This would have been obvious because the ordinary
8 person skilled in the art would have been motivated to allow any node access to the content at
9 any time, without violating licensing agreements.

10 Regarding claim 40, Cooper and Peled taught one or more computer-readable memories
11 containing a computer program that is executable by a processor of a device to perform a method
12 comprising: comparing, at the device, a portion of media content to a subset of one or more
13 highly compressed pieces of content, wherein highly, compressed pieces of content are versions
14 of portions of content that are created in a manner so that the highly compressed. form cannot be
15 decompressed into an intelligible form yet can be compared to uncompressed content for
16 equality, and wherein the number of pieces included in the subset can vary_ based on the
17 available memory in the storage device and the storage required for each piece; determining
18 whether the portion of media content matches any of the subset of highly compressed pieces;
19 contacting a remote device to perform a more thorough analysis of whether the content matches
20 any of the plurality of highly compressed content pieces; and rendering the media content if the
21 determining indicates the portion of media content does not match any of the subset of highly
22 compressed pieces, (See the rejection of claim 1 above), but failed to disclose checking, if the

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1 portion of media content matches any of the subset of highly compressed pieces, whether a valid
2 license for the media content is present at the device.

3 Barber teaches that in order to allow multiple users access to content simultaneously, that
4 multiple licenses should be provided for the content, and when content is to be used, a license
5 should be "checked out" (See Barber Col. 2 Lines 10-19 and Fig. 3 and associated text).

6 It would have been obvious to the ordinary person skilled in the art at the time of
7 invention to employ the teachings of Barber in the content protection system of Cooper and
8 Peled by verifying that the computer had a license for the content when it was detected the
9 content was copied content. This would have been obvious because the ordinary person skilled
10 in the art would have been motivated to allow any node access to the content at any time, without
11 violating licensing agreements.

12 Regarding claims 10 and 28, Cooper, Peled and Barber disclosed wherein each of the
13 plurality of highly compressed content pieces in the subset further indicates whether one of the
14 plurality of licenses is required for playback of the content (See the rejection of claim 9 above
15 wherein in the combination, a match with the database indicates potential illegal copying and
16 therefore a license check is obviously needed).

17 Regarding claim 11, Cooper, Peled and Barber disclosed that the storage device is further
18 to store the content (See Cooper Paragraph 0124).

19 Regarding claim 12, Cooper, Peled and Barber disclosed a content source, coupled to the
20 content player, from which the content is received (See Cooper Paragraph 0110).

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1 Regarding claim 13, Cooper, Peled and Barber disclosed that the content player receives
2 the content from the content source in its entirety before playback of the content begins (See
3 Cooper Paragraph 0110).

4 Regarding claim 14, Cooper, Peled and Barber disclosed that the comparator is to
5 determine whether the content matches any of the plurality of highly compressed content pieces
6 in the subset by comparing a first set of feature values associated with each of the plurality of
7 highly compressed content pieces with a second set of feature values associated with the content,
8 and checking whether at least a threshold number of the first set of feature values is within
9 threshold distance of the second set of feature values (See Peled Paragraphs 0011 and 0185-
10 0191).

11 Regarding claims 15, Cooper, Peled and Barber disclosed that the first set of feature
12 values and the second set of feature values each comprises a set of audio energy features (See
13 Cooper Paragraph 0124 wherein because the data being compared is digital data, and because
14 any digital data can be output to a speaker and will produce noise, the digital data meets the
15 limitation of "audio energy").

16 Regarding claim 17, see the rejection of claim 2 above.

17 Regarding claim 20, see the rejection of claim 11 above.

18 Regarding claims 21-23, Cooper, Peled and Barber disclosed a playback controller,
19 coupled to the memory, to receive the content from a CD (See Cooper Paragraph 0036).

20 Regarding claim 24, see the rejection of claim 8 above.

21 Regarding claims 25-26, see the rejection of claims 14-15 above.

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Regarding claim 27, Cooper, Peled and Barber disclosed a portable music player (See Cooper 0049).

Conclusion


Claims 1-17, and 20-52 have been rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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